

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

LHF Productions, Inc.,

Plaintiff,

VS.

Agustin Bertolin, et al.,

Defendants

Case No.: 2:16-cv-02028-JAD-NJK

Order Denying Motion for Default Judgment

[ECF No. 47]

Pro se defendant Brian Kabala responded to LHF Productions, Inc.’s lawsuit with an answer and counterclaim.¹ LHF’s response to that counterclaim was a motion to dismiss it.² Kabala now asks the Clerk of Court to enter a default against LHF under FRCP 55(a) because LHF filed no reply in support of its motion to dismiss, and the deadline for that reply has passed.³

The entry of default is only authorized when a party has completely failed to answer or otherwise respond to claims. *See Fed. R. Civ. Proc. 55(a).* LHF did respond to Kabala's counterclaims: it filed a motion to dismiss. Reply briefs are optional, and LHF's failure to file one does not subject it to default under FRCP 55(a).

Accordingly, **IT IS HEREBY ORDERED** that Brian Kabala's Motion for Default [ECF No. 47] is **DENIED**. The court will resolve LHF's motion to dismiss Kabala's counterclaim in the normal course.

DATED: May 9, 2017.

JENNIFER A DORSEY
UNITED STATES DISTRICT JUDGE

¹ ECF No. 22.

² ECF No. 28.

³ ECF No. 47.